

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRAD RAFFENSPERGER, ET AL.,
Defendants.**

Civil Action No. 1:17-CV-2989-AT

**CURLING PLAINTIFFS' NOTICE OF OPEN DISCOVERY ITEMS
REQUIRING RESOLUTION BY THE COURT**

Per this Court's July 13, 2022 request, and for the Court's ease, Curling Plaintiffs list ripe discovery items needing resolution by the Court tomorrow:

1. *Joint Discovery Statement* (Doc. 1360): This is fully briefed. (Doc. 1409).
2. *Rule 30(b)(6) deposition of the Secretary of State's Office*: Plaintiffs proposed a single topic on June 17, 2022, regarding access to Georgia's voting system equipment or data that was not lawfully authorized, including the events in Coffee County on or around January 7, 2021. The Secretary's Office has declined to produce a witness or to negotiate the language of the topic, leaving Plaintiffs unable to proceed.
3. *Discovery from Defendants Ed Lindsey, Jan Johnston, and William Duffy (State Election Board Members)*: These Defendants have not produced any documents, nor have they provided any available dates for depositions.
4. *Information regarding Unauthorized Voting System Access in Coffee County*: State Defendants refuse to provide any information at all about this topic, despite prior Court directives on some items, including: (i) whether Dominion was asked to help access the Coffee County EMS server that State Defendants represented is inaccessible because of a password change (June 6, 2022 Hrg. Tr. 28: 9-21); (ii) the dates when the state's Coffee County investigation case began and/or was amended to include the Coffee County server-access issue (*Id.* 19:22-

25); (iii) documents memorializing the transfer of the Coffee County EMS server and program files to the Secretary's office (April 7, 2022 Conference Hrg. Tr. 53:23-25); (iv) State Defendants' communications with the Coffee County Board (*Id.* at 54:11-17); and (v) access for Plaintiffs' experts to the EMS server and ICC seized from Coffee County or the data contained on that equipment. State Defendants claim *every* document and *all* information about this topic are privileged but have declined to provide a privilege log or to otherwise substantiate the sweeping privilege claim. They were unable, however, during a July 8 meet-and-confer to reconcile their claims of an *ongoing* investigation (which is the basis for their sweeping privilege claim) with Gabriel Sterling's April 2022 claim that the investigation reached its conclusion months ago.¹ It appears that unauthorized access to Georgia's voting system may include at least Fulton County too.²

Curling Plaintiffs respectfully ask that the Court set a *specific* prompt deadline for State Defendants to provide all the outstanding discovery detailed above to avoid further delay and undue burden and expense for Plaintiffs.

¹ The Carter Center, *Restoring Confidence in American Elections*, YouTube (Apr. 29, 2022, uploaded May 9, 2022),

https://youtu.be/PbB_c_PX8D8%20at%20approximately%2035:30, at 35:30

² Decl. of Benjamin R. Cotton at 5, *Lake v. Hobbs*, No. 22-cv-00677-JJT (D. Ariz. June 8, 2022), Dkt. 35,

<https://storage.courtlistener.com/recap/gov.uscourts.azd.1294569/gov.uscourts.azd.1294569.35.0.pdf>.

Dated: July 14, 2022

Respectfully submitted,

/s/ David D. Cross

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CERTIFICATE OF COMPLIANCE

Pursuant to LR 7.1(D), I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14.

/s/ David D. Cross
David D. Cross

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CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2022, a copy of the foregoing **CURLING PLAINTIFFS' NOTICE OF OPEN DISCOVERY ITEMS REQUIRING RESOLUTION BY THE COURT** was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

/s/ David D. Cross
David D. Cross